

05 - 528

Document Number Case Number  
024 05-C-0256-C  
United States District Court  
Western District of Wisconsin  
Theresa M. Owens

Filed/Received  
07/13/2005 05:07:44 PM CDT

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

SYMBOL TECHNOLOGIES, INC.,

Plaintiff,

05 C 0256 C

v.

INTERMEC TECHNOLOGIES CORP.,

JURY TRIAL DEMANDED

Defendant.

**DEFENDANT INTERMEC TECHNOLOGIES CORPORATION'S  
MOTION FOR A PROTECTIVE ORDER**

Intermec Technologies Corp. ("Intermec"), by its counsel Freeborn & Peters LLP and Whyte Hirschboeck Dudek S.C., moves the Court for the entry of a protective order as described below. The grounds for the relief sought are set forth in detail in the accompanying Brief supporting this motion. Intermec seeks relief as follows:

1. Restricting discovery by plaintiff Symbol Technologies, Inc. ("Symbol") to information concerning products excluding the 45 products ("Immune Products") acquired by Intermec under the terms of the OEM Agreement entered into by Symbol and Intermec, which Immune Products are enumerated in the accompanying Declaration of Leland W. Hutchinson, Exhibit B.

2. Deferring Intermec's continued responses to Symbol's first sets of discovery requests for a reasonable time after Symbol has responded to Intermec's Interrogatory Nos. 1 and 2, which seek Symbol's analysis of the patents-in-suit and its determination that their claim limitations are satisfied by certain of Intermec's devices,

pursuant to *Antonious v. Spalding & Evenflo Companies, Inc.*, 275 F.3d 1066 (Fed. Cir. 2002).

DATED this 13th day of July, 2005.

Respectfully submitted:

By: \_\_\_\_\_  
Attorneys for Defendant  
Intermec Technologies Corp.  
WHYTE HIRSCHBOECK DUDEK S.C.

Eugenia G. Carter  
State Bar No. 01011447  
Gabriel S. Gross  
State Bar No. 1037934  
One East Main Street, Suite 300  
Madison, WI 53703-3300  
(608) 255-4440 (telephone)  
(608) 258-7138 (facsimile)

FREEBORN & PETERS LLP  
Leland W. Hutchinson, Jr.  
Carson P. Veach  
Jennifer L. Fitzgerald  
Jeffrey M. Hansen  
311 S. Wacker Drive, Suite 3000  
Chicago, IL 60606-6677  
(312) 360-6503 (telephone)  
(312) 360-6572(facsimile)

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

---

SYMBOL TECHNOLOGIES, INC.,

Plaintiff,

v.

Case No. 05-C-0256-C

INTERMEC TECHNOLOGIES CORP.,

Defendants.

---

**CERTIFICATE OF SERVICE**

---

I hereby certify that on the 13th day of July, 2005, true and correct copies of Defendant Intermec Technologies Corporation's Motion for a Protective Order; Defendant Intermec Technologies Corporation's Brief in Support of Its Motion for a Protective Order and in Opposition to Symbol Technologies, Inc.'s Motion to Compel Production of Documents and Interrogatory Answers; and, Declaration of Leland W. Hutchinson were served on:

**VIA HAND-DELIVERY**

Jeffrey S. Ward  
Shane A. Bruner  
Michael Best & Friedrich LLP  
One South Pinckney Street, Suite 700  
Madison, WI 53703

**VIA E-MAIL and U.S. MAIL**

Lawrence Brocchini  
Hogan & Hartson L.L.P.  
875 Third Avenue  
New York, NY 10022  
(lbrocchini@hhlaw.com)

---

Susan Landphier Smolak